

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

THOMAS O. BASTIAN,

Plaintiff,

v.

No. 22-cv-605-MIS-KBM

KRYSTAL RIVERA, et al.,

Defendants.

**ORDER DIRECTING ISSUANCE OF NOTICE**  
**AND WAIVER OF SERVICE FORMS**

This matter is before the Court on Plaintiff Thomas O. Bastian's *pro se* Prisoner Civil Rights Complaint (Doc. 1) (the "Complaint"). Bastian is a state prisoner in the custody of the Arizona Department of Corrections. At all times relevant to this Complaint, Bastian was in the custody of the New Mexico Corrections Department (NMCD). (Doc. 1 at 13). Bastian seeks relief under 42 U.S.C. § 1983 for alleged violations of his Eighth Amendment rights including, *inter alia*, deliberate indifference to serious medical needs by NMCD prison officials.

Having reviewed the Complaint *sua sponte* under 28 U.S.C. § 1915(e) and Fed. R. Civ. P. 12(b)(6), the Court finds the claims must be resolved on a full record and after a *Martinez* investigation. The Court will give the Defendants an opportunity to waive formal service requirements before ordering personal service by the U.S. Marshals. The costs of service may be imposed on any Defendant if the Court finds that they declined to waive personal service without good cause.

**IT IS ORDERED** that the Clerk's Office shall **ISSUE** Notice and Waiver of Service

Forms, along with a copy of the Complaint (**Doc. 1**), on the Defendants at the addresses listed on pages 3-10 of Doc. 1.

  
UNITED STATES MAGISTRATE JUDGE